

REGULATING INTERSTATE TRANSPORTATION OF BLACK BASS

JANUARY 9, 1925.—Referred to the House Calendar and ordered to be printed

Mr. HAWES, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany H. R. 10690]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 10690) to regulate the interstate transportation of black bass, and for other purposes, having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the Commerce Department, as will appear by the letter attached and which is made a part of this report.

Amend the bill as follows:

Line 8, page 1, after the word "person" insert the word "knowingly."

OBJECT

This bill is intended to aid in the conservation of black bass by assisting the enforcement of State statutes. It is not a violation or usurpation of State authority; it merely supplements State authority by aiding the enforcement of State opinion expressed in legislative enactment.

It will not prevent the transportation of bass caught or carried by individuals for their own use under the limitation made by the State where procured.

It will strengthen the laws of any State wherein the taking of bass commercially is prohibited. In some States, where such law is now on the statute books, its effect is nullified by the fact that black bass are shipped out of the State in barrels, with rough fish at the top and bottom and the bass in between.

A State which, for conservation purposes, denies for a limited period the sale of black bass to its own citizens frequently finds that its State enactments are nullified by bass being taken from the waters of its own State, where its commercial use is prohibited to its own citizens, and transported from that State and sold to the citizens of

another State; thus destroying the State conservation program and giving to the citizens of another State the benefit of commercial consumption which is denied its own citizens.

BLACK BASS

Scientists state that the yearly toll of black bass in this country is so great compared with the yearly hatch that this greatest of American game fishes is certain to become extinct within 10 years unless extraordinary efforts are made to protect it.

The Bureau of Fisheries, and other scientific bodies, declare that black bass would become practically extinct if not protected while on their spawning beds.

Scientific bodies devoted to the study of fish conservation, such as the American Fisheries Society, are so aroused over the danger of extinction of black bass that they have repeatedly within the past few years sent letters to our various State governments setting forth the absolute need of protecting black bass during the spawning season.

The black bass is different from any other American fish. It must select its own spawning bed, and the male zealously guards the bed until the spawn is hatched, and then protects the baby fish and teaches them how to live.

The bass is undoubtedly the great American game fish and the favorite fish of millions of the rank and file of American anglers. It is found in all American fresh waters, ponds, lakes, and streams. It comes from under the firs and birches in the St. Lawrence Basin and in the Everglades under the overhanging moss in Florida and Louisiana.

Its principal and natural home is in the Mississippi River Basin. Agile and strong, inch for inch and pound for pound, he is the greatest fighting fish that swims. True to his mate, hard to catch, better to eat, the fresh water bass is the typical American fish. Pugnacious and aggressive, they are none the less companionable mates, for both build the nest, the female lays the spawn, the male performs his part, and, as the family grows, the male defends the nest like our frontiersman did his cabin.

In 22 days the tiny eggs are hatched. In a few days little minnows swim, guarded by the circling male. For three weeks they live in a little group, moving together. In one year they weigh 1 pound, and in two years 2 pounds, and are ready for the table.

It has been demonstrated by scientists that artificial black bass hatcheries can not be made profitable for our State and National Governments, the cost of operation being too great when compared with the output.

Black bass can not be artifically propagated the same as trout and other fishes, but must be given protection and permitted to reproduce under natural conditions.

The bass is to be found from Manitoba and the St. Lawrence, the Great Lakes region, through the entire extent of the Mississippi Basin, and in the waters on both sides of the Alleghenies.

CONSERVATION

The lakes, rivers, and streams where these fish are found are public property, open to the rich and poor alike. Fishing is the least expensive of all sports. It gives the youngest boy his first contact with nature, his first feeling of mastery.

With good roads and the automobile annihilating distance and time, where formerly one person fished on our streams, rivers, and lakes thousands now line their banks, requiring continual restocking and creating a new and tremendous drain upon the fish supply.

It is difficult to estimate the value of bass caught by tourists, but from information obtained by the Bureau of Fisheries from various States it appears that 850,000 licenses were issued by them in 1923. The total revenue obtained by the States from these licenses amounted to approximately \$10,000,000. Other authorities have estimated that 7,500,000 pounds of fish were taken by tourists.

Where a State finds that it must conserve its black bass and its power to do so is curtailed, Federal assistance in enforcing State determination can only be objected to by those persons who try to violate the laws of their own State.

This is not a sportsman's bill. It is for the rich and poor alike. It is to preserve for those that come after us the things we have enjoyed.

CONSTITUTIONALITY

As stated by the solicitor's department to the Bureau of Fisheries, this act is modeled after the Lacy Act, approved May 25, 1900. Its constitutionality is not in dispute.

The Lacy Act, amongst other things, prohibited the transportation of birds and animals killed or shipped in violation of the laws of the State, Territory, or district in which they were killed or from which they were shipped.

The report on this bill from the Department of Commerce follows:

DEPARTMENT OF COMMERCE,
Washington, December 20, 1924.

HON. SAMUEL E. WINSLOW,
*Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.*

MY DEAR CONGRESSMAN: In response to your request of the 13th for a report from this department on H. R. 10690, entitled "To regulate the interstate transportation of black bass, and for other purposes," I take pleasure in transmitting herewith, in duplicate, a memorandum prepared by the Commissioner of the Bureau of Fisheries on this measure.

Faithfully yours,

HERBERT HOOVER,
Secretary of Commerce.

DEPARTMENT OF COMMERCE,
Washington, December 22, 1924.

(Memorandum for the Secretary.)

Referring to the letter of December 13, addressed to you from the chairman of the House Committee on Interstate and Foreign Commerce, requesting a report on H. R. 10690, I beg to advise that in the opinion of this bureau the bill in question is a constructive one which will aid in the conservation of the black bass.

The black bass are primarily game fishes, of special interest to anglers. As commercial food fishes they are relatively unimportant, as shown by the catch by geographical sections which follows:

4 REGULATING INTERSTATE TRANSPORTATION OF BLACK BASS

Middle Atlantic States, 1920, 419,888 pounds, value, \$63,494; South Atlantic States, 1918, 551,125 pounds, value, \$63,137; Mississippi River and tributaries, 1922, 73,554 pounds, value, \$10,874; Great Lakes, 1922, 2,000 pounds, value, \$200.

In such boundary waters as the Potomac River it has been especially difficult for the State authorities to control the situation. During the winter months when the bass are congregated together in the deeper waters in a more or less dormant condition, it is not difficult for the fishermen to seine these fishes in such quantities as to seriously deplete the supply. If, as provided by the terms of this bill, their shipment out of States in which their sale is illegal is prohibited, better control over the natural supply will be possible. This will also result in better cooperation between the States and the Federal Government in keeping the waters stocked by artificial propagation.

I am advised by the department's solicitor that H. R. 10690 is modeled after the Lacey Act, approved May 25, 1900 (31 Stat. 188), which was held constitutional by the circuit court of appeals in the case of *Rupert v. United States*, 181 (Fed. 87).

HENRY O'MALLEY,
Commissioner Bureau of Fisheries.

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